IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 32144 of 2007(B)

PETITIONER:

MUSLIM SERVICE SOCIETY,
CHEROOTY ROAD, CALICUT-673 001,
REPRESENTED BY T.K.ABDUL KAREEM,
GENERAL SECRETARY.

BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
SMT.RESHMI POULOSE

RESPONDENTS:
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1. **ASSISTANT COMMISSIONER OF INCOME TAX,**
   CIRCLE(1), CALICUT.

2. **COMMISSIONER OF INCOME TAX,**
   (APPEALS)-I, CALICUT-I.

3. **THE INCOME TAX APPELLATE TRIBUNAL,**
   KAKKANAD, ERNAKULAM, REPRESENTED BY
   ITS REGISTRAR.

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 32144 OF 2007 B

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Dated this the 30th day of October, 2007

J U D G M E N T

Ext.P5 is an order passed by the Income Tax Appellate Tribunal granting stay sought for by the petitioner, on condition that out of more than Rs.52 lakhs that is due, petitioner should remit Rs.15 lakhs and that too in three instalments of Rs.5 lakhs each.

2. On a reading of Ext.P5, I notice that the Tribunal has considered the prima facie case of the appellant and the financial position of the appellant. Thus, after considering all these relevant aspects, the Tribunal has directed the petitioner to remit Rs.15 lakhs and that too in instalments. In fact, order shows that this figure was suggested by the petitioner itself. Ext.P5 does not call for any interference.

3. However, taking into account the submissions that are made, I direct that the instalments payable on 31/10/2007 and

30/11/2007 will be payable only on 15/11/2007 and 15/12/2007 respectively.

Subject to the above modification, writ petition is dismissed.

ANTONY DOMINIC, JUDGE.

Rp